

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
No. 7:09-CV-44-D

FREDERICK F. CHANCY,

Plaintiff,

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

**ORDER**

On March 25, 2010, Magistrate Judge Daniel issued a Memorandum and Recommendation (“M&R”). In that M&R, Judge Daniel recommended that plaintiff’s motion for judgment on the pleadings be denied, defendant’s motion for judgment on the pleadings be granted, and defendant’s final decision denying the request for benefits be affirmed. Neither party filed objections to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quotation omitted) (emphasis removed) (alteration in original). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Id. (quotation omitted).

The court has reviewed the M&R, the record, and the briefs. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court accepts the M&R. Plaintiff’s motion for judgment on the pleadings [D.E. 13] is DENIED, defendant’s motion for judgment on

the pleadings [D.E. 17] is GRANTED, the final decision by defendant is AFFIRMED, and this matter is DISMISSED. The Clerk of Court is directed to close the case.

SO ORDERED. This 28 day of May 2010.

  
JAMES C. DEVER III  
United States District Judge